IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 12TH MARCH 2007 / 21ST PHALGUNA 1928

Crl.Rev.Pet.No. 1069 of 2007

CRA.130/2003 of THE ADDL.DISTRICT & SESSIONS JUDGE(ADHOC-III)KOLLAM
CC.27/2000 of JUDL.MAGISTRATE OF FIRST CLASS, PARAVOOR
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REVN. PETITIONER: APPELLANT/ACCUSED

RAJU, AGED 40,
SON OF NATARAJAN, RESIDING AT ARYA VEEDU,
PAMPURAM, SUBHALEKSHMI JEWELERY PLAVINMOODU,
KARIMPALLOOR, PUTHENKULAM P.O.,
PARAVUR, KOLLAM.

BY ADV. SRI.R.S.KALKURA
SRI.HARISH GOPINATH

RESPONDENTS: RESPONDENTS/COMPLAINANT/STATE
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1. HARIDASAN, S/O CHANDRASEKHARAN,
RESIDING AT POORAM VEEDU, KARIMPALLOOR,
PUTHENKULAM P.O., PARAVUR, KOLLAM.

2. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

R2 BY PUBLIC PROSECUTOR MR. AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 12/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL.R.P.NO.1069 of 2007

DATED THIS THE 12th Day of March 2007

ORDER

The revision petitioner stands convicted for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for six months and to pay a compensation of Rs.50,000/- to the complainant under Section 357(3) Cr.P.C. No default sentence was awarded. The courts below after considering the evidence in detail have found that the evidence of DW1, the independent witness is contradictory to the version of the accused as put by him when PW1 was cross examined and when he was questioned under Section 313 Cr.P.C. Hence, it cannot be said that the revision petitioner has succeeded in rebutting the statutory presumptions. I find no reason to admit the revision petition filed and the same is liable to be dismissed in limine.

2. All the same, considering the plea of the counsel for the revision petitioner, the sentence is modified to imprisonment till the rising of the court and to pay a compensation of Rs.50,000/- to the complainant under Section 357(3) Cr.P.C. and in default to undergo simple imprisonment for three months. The petitioner is granted six months time to pay the amount of compensation. The revision

petitioner shall appear before the Judicial First Class Magistrate, Paravoor on 16-7-2007 to receive sentence. Non-bailable warrant is not to be executed in the meantime. The Crl. revision petition is disposed of accordingly.

K.R.UDAYABHANU, JUDGE

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